



Criteria for Involuntary Commitment in North Carolina

Mental Illness (Adults)

an illness that so lessens the capacity of the individual to use self-control, judgment, and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under treatment, care, supervision, guidance, or control.

Mental Illness (Minors)

a mental condition, other than mental retardation alone, that so impairs the youth's capacity to exercise age-adequate self-control or judgment in the conduct of his activities and social relationships that he is in need of treatment.

Substance abuse

the pathological use or abuse of alcohol or other drugs in a way or to a degree that produces an impairment in personal, social, or occupational functioning. Substance abuse may include a pattern of tolerance and withdrawal.

Dangerous to self

Within the relevant past, the individual has:

1. acted in such a way as to show that
 - a. he would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of his daily responsibilities and social relations, or to satisfy his need for nourishment, personal or medical care, shelter, or self-protection and safety; and
 - b. there is a reasonable probability of his suffering serious physical debilitation within the near future unless adequate treatment is given. Behavior that is grossly irrational, actions that the individual is unable to control, behavior that is grossly inappropriate to the situation, or other evidence of severely impaired insight and judgment creates an inference that the individual is unable to care for himself; or
2. attempted suicide or threatened suicide and there is a reasonable probability of suicide unless adequate treatment is given; or
3. mutilated himself or attempted to mutilate himself and there is a reasonable probability of serious self-mutilation unless adequate treatment is given.

Previous episodes of dangerousness to self, when applicable, may be considered when determining the reasonable probability of serious physical debilitation, suicide, or serious self-mutilation.

Dangerous to others

Within the relevant past the individual has:

1. inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another and there is a reasonable probability that this conduct will be repeated, or
2. acted in a way that created a substantial risk of serious bodily harm to another and there is a reasonable probability that this conduct will be repeated, or
3. engaged in extreme destruction of property and there is a reasonable probability that this conduct will be repeated.

Previous episodes of dangerousness to others, when applicable, may be considered when determining the reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is evidence of dangerousness to others.



North Carolina Involuntary Commitment Process

Layperson petition
Layperson completes petition in front of magistrate

Magistrate reviews petition & issues custody order

Officer transports respondent

Hospital ER or LME facility (1st exam)

Officer transports respondent

Clinician petition
Clinician completes petition & exam form (1st exam), then faxes to magistrate

Magistrate reviews petition & issues custody order

Officer transports respondent

24-hour facility (2nd exam)

Emergency petition*
Clinician completes exam form & emergency certificate (1st exam), submits to clerk of court for 24-hr. facility & local officer

Officer transports respondent pursuant to emergency certificate

District court judge reviews examination form

Hearing: Court orders release, outpatient, inpatient, or substance abuse commitment

*Use when respondent requires immediate hospitalization; procedure by-passes magistrate.

_____ County

IN THE MATTER OF:

Name Of Respondent

**INVOLUNTARY COMMITMENT ORDER
MENTALLY ILL**

G.S. 122C-267, 122C-268, 122C-271, 122C-276

FINDINGS

The Court finds that:

- 1. The State was was not represented by counsel.
- 2. The respondent was was not represented by counsel.
- 3. The 24-hour facility was was not represented by counsel.

Based on the evidence presented, the Court

- 4. by clear, cogent and convincing evidence finds as facts all matters set out in the physician's/eligible psychologist's report, specified below, and the report is incorporated by reference as findings.

Date Of Last Examiner's Report

Name Of Physician/Eligible Psychologist

- 5. by clear, cogent and convincing evidence finds these other facts:

- respondent discharged before court date
- respondent signed voluntary commitment before court date
- special counsel stipulates there is sufficient evidence for commitment
- facts supporting involuntary commitment:

- 6. finds that the respondent does not meet the criteria for commitment.
- 7. finds that this proceeding was begun after the respondent was charged with a violent crime and was found incapable of proceeding.

NOTE: Use AOC-SP-911M for involuntary commitment of defendant found not guilty by reason of insanity.

NOTE TO CLERK: The clerk in the hearing county should enter this order into NICS, if appropriate, and forward the original order to the clerk in the originating county.

(Over)

CONCLUSIONS

Based on the above findings, the Court concludes that the respondent:

- 1. is mentally ill.
- 2. is not mentally ill.
- 3. in addition to being mentally ill, is mentally retarded.
- 4. is dangerous to self others.
- 5. is not dangerous to self or others.
- 6. (only for nondangerous mentally ill) is capable of surviving safely in the community with available supervision from family, friends or others; and based on respondent's psychiatric history, the respondent is in need of treatment in order to prevent further disability and deterioration which would predictably result in dangerousness to self or others. And, that the respondent's inability to make an informed decision to voluntarily seek and comply with recommended treatment is caused by:
 - the respondent's current mental status.
 - the nature of the respondent's mental illness.

ORDER

It is ORDERED that:

- 1. the respondent be committed/recommitted to the inpatient 24-hour facility named below for the period specified.
- 2. the respondent be committed/recommitted to outpatient commitment under the supervision and management of the center/physician named below for the period specified.
 - the respondent may be held at the 24-hour facility where he/she is now being held, for up to 72 hours in order for the facility to notify the designated outpatient center of respondent's treatment needs.
- 3. the respondent be committed/recommitted to an inpatient 24-hour facility named below not to exceed the specified period. Following discharge from the 24-hour facility, the respondent shall be committed to outpatient commitment under the supervision of the center/physician named below for the specified period.
- 4. the respondent be discharged and this matter dismissed.
- 5. this matter be dismissed.
- 6. the respondent be discharged. Since the respondent was charged with a violent crime and previously found incapable of proceeding, it is further ordered that the respondent be released to the custody of the law enforcement agency named below.

Name Of Law Enforcement Agency

- 7. this matter be transferred to the county named below for further proceedings.

County

INPATIENT COMMITMENT

Committed/recommitted to inpatient facility for a period not to exceed

- _____ days. 90 days.
- 180 days. 1 year.

Name And Address Of 24-Hour Facility

OUTPATIENT COMMITMENT

Committed/recommitted to outpatient facility for a period not to exceed

- _____ days. 90 days. 180 days.

Name And Address Of Treatment Center/Physician

Date

Signature Of District Court Judge

Name Of District Court Judge (Type Or Print)

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name Of Respondent

**ORDER INVOLUNTARY
COMMITMENT PROCEEDINGS
SUBSTANCE ABUSER**

G.S. 122C-287

FINDINGS

The Court finds that:

- 1. The State was was not represented by counsel.
- 2. The respondent was was not represented by counsel.
- 3. The 24-hour facility was was not represented by counsel.

Based on the evidence presented, the Court

- 4. by clear, cogent and convincing evidence finds as facts all matters set out in the physician's/eligible psychologist's/qualified professional's report, specified below, and the report is incorporated by reference as findings.

<i>Date Of Last Examiner's Report</i>	<i>Name Of Examiner</i>
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- 5. by clear, cogent and convincing evidence finds these other facts:

- 6. finds that the respondent does not meet the criteria for commitment.

CONCLUSIONS

Based on the above findings, the Court concludes that the respondent:

- 1. is a substance abuser.
- 2. is not a substance abuser.
- 3. is dangerous to self. others.
- 4. is not dangerous to self or others.

NOTE TO CLERK: *If the respondent is involuntarily committed, send a DL-24 to the Division of Motor Vehicles.*

ORDER

It is ORDERED that:

- 1. the respondent be committed/recommitted to the area authority/physician named below for the period specified.
 - The respondent is now being held at the 24-hour facility listed below and the respondent is ordered returned to that facility to be held until the area authority/physician to whom the respondent is committed authorizes release.
 - and that venue be transferred to _____ County.
- 2. the respondent be discharged and this matter dismissed.

<p>Committed/recommitted to the area authority/physician for a period not to exceed</p> <p><input type="checkbox"/> _____ days. <input type="checkbox"/> 180 days. <input type="checkbox"/> 1 year.</p>	<p><i>Name And Address Of 24-Hour Facility</i></p>
<p><i>Name And Address Of Area Authority/Physician</i></p>	<p><i>Date</i></p>
	<p><i>Signature Of District Court Judge</i></p>
	<p><i>Name Of District Court Judge (Type Or Print)</i></p>